

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
IN ADMIRALTY

SOUTHWIND FINANCIAL,
LTD., as owner, and MICHAEL
VONDRA, as owner pro hac vice,
of the 2018 19' Grand Vessel
bearing Hull Identification
Number YBE83299C718

Petitioners,

v.

Case No. 2:21-cv-376-JES-NPM

**ORDER APPROVING PETITIONER'S LETTER OF UNDERTAKING
AND DIRECTING ISSUANCE OF NOTICE AND INJUNCTION**

THIS CAUSE came before the Court upon Petitioners Southwind Financial, Ltd. and Michael Vondra's Complaint and Motion for Entry of Order Approving Letter of Undertaking, Restraining Prosecution of Claims and Directing Issuance of Notice to Claimants (Doc. 5). Petitioners filed their Complaint for Exoneration from or Limitation of Liability regarding a 2018, 19' Grand vessel bearing hull identification number YBE83299C718, pursuant to 46 U.S.C. §30501 *et seq.*, as amended, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, for all losses, damages, injuries, deaths, or destruction allegedly resulting from the incident referred to in the Complaint on or about November 26, 2020, on the navigable waters of the

United States near Naples, Florida. (Doc. 1).

The Complaint states the value of Petitioners' interest in the vessel does not exceed \$46,500.00 and there was no pending freight. (Doc.1 ¶¶ 6-7). Petitioners attached a Letter of Undertaking issued by Pure Underwriters Reciprocal Exchange to secure any claim which may be filed in this action up to \$46,500.00, with interest at 6 percent per annum from May 5, 2021, and costs, as required by the rules of this Court and by the law. (Doc. 5-2).

Accordingly, it is **ORDERED**:

1. Petitioners' Motion for Entry of Order Approving Letter of Undertaking, Restraining Prosecution of Claims and Directing Issuance of Notice to Claimants (Doc. 5) is **GRANTED**.

2. The Letter of Undertaking deposited by Petitioners with the Court for the benefit of claimants, in the sum of \$46,500.00, with interest and costs, as security for the amount or value of Petitioners' interest in the vessel is hereby approved.

3. This Court, upon motion, shall cause due appraisalment of such value and may thereupon order the said security increased or reduced to carry out the provisions of 46 U.S.C. § 30501 *et seq.* for personal injuries, property damage, or any other claims resulting from the incident that occurred on November 26, 2020, referred to in the Complaint.

4. A notice shall be issued by the Clerk of the Court to all persons asserting claims with respect to which the Complaint seeks exoneration or limitation, admonishing them to file their respective claims with the Clerk of the Court in writing, and to serve on the attorneys for the Petitioners a copy thereof **on or before July 19, 2021**, or be defaulted, and if any claimant desires to contest either the Petitioners' right to exoneration from or the right to limitation of liability, any such claimant(s) shall file and serve on Petitioners' attorney an answer to the Complaint, on or before said date, unless her claim has included an answer to the Complaint, so designated, or be defaulted.

5. Publication of the aforesaid notice in the form required by Supplemental Rule F(4) be published in a newspaper of general circulation in the **Naples Daily News** once a week for four (4) successive weeks prior to the date fixed for the filing of claims, and copies of the notice shall also be mailed in accordance with Supplemental Rule F.

6. The commencement or further prosecution of any and all actions or proceedings against Petitioners, the vessel, or other property of Petitioners with respect to any claims for which Petitioners seek exoneration from or limitation of liability herein, including any claim arising out of, or incident to, or connected with any loss, damage, injury, death or destruction, more fully described in the Complaint, are hereby restrained, stayed and enjoined until the hearing and

determination of this action.

7. Service of this Order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

8. Petitioners, no later than the second day of publication of the notice ordered herein, shall mail a copy of the notice to every person or entity known to have made a claim against Petitioners or the vessel arising out of the incident more fully described in the Complaint.

ORDERED in Fort Myers, Florida on May 17, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE